

REMARKS

This responds to the office action mailed on July 24, 2007.

Independent claims 16, 24, and 33 are amended and claims 18 and 27 are canceled. As a result, claims 16-17, 19-26, and 28-35 are now pending in this application.

§102 Rejection of the Claims

Claims 16-17, 19-26, and 28-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,744,763 to Jones et al. (hereinafter "Jones") For the reasons explained below, the applicant respectfully asserts that Jones fails to identically disclose each and every feature recited in amended independent claims 16, 24, and 33.

Independent claims 16 and 24 recite "a set of localizing data that facilitates distinguishing locations of frame header information and frame data of each frame within the stream." Similarly, independent claim 33 recites "a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets." Although the applicant believes that the original pending independent claims define over the art of record, the applicant has amended independent claims 16, 24, and 33 to further clarify that the "localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets," which was previously recited in canceled dependent claims 18 and 27.

In support of the 35 U.S.C. §102(e) rejections, the office action states that Jones discloses "the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets," as recited in canceled dependent claims 18 and 27. Applicant respectfully traverses the office action's characterization of Jones relative to canceled dependent claims 18 and 27 (or amended independent claims 16, 24, and 33) because the portion of Jones relied upon by the office action (col. 12, lines 53-63) does not disclose "the localizing data further facilitates distinguishing encrypted and non-encrypted content of the stream of packets" as recited in canceled dependent claims 18 and 27. In particular, portion of Jones at col. 12, lines 53-63 merely describes that "encryption may also be pre-applied to a media file." There is nothing in Jones that describes anything even relevant to "localizing data further facilitates distinguishing

encrypted and non-encrypted content of the stream of packets,” as recited in canceled dependent claims 18 and 27 and amended independent claims 16, 24, and 33.

For at least the reasons set forth above, Jones does not disclose each and every feature of the claimed invention. Accordingly, amended independent claims 16, 24, and 33 are patentable under 35 U.S.C. §102(e) over Jones. Claims 17, 19-23, 25-26, and 28-32, each of which depends from one of independent claim 16, 24, or 33, are likewise patentable under 35 U.S.C. §102(e) over Jones for at least the same reasons set forth above regarding the applicable independent claims. Accordingly, the applicant asks the examiner to withdraw the anticipation rejections of pending claims 16-17, 19-26, and 28-33.

§103 Rejection of the Claims

Dependent claims 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of U.S. Patent No. 6,449,719 to Baker. As discussed above, Jones does not disclose “the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets,” as recited in amended independent claim 33. To establish a *prima facie* case of obviousness, Jones and Baker must disclose or suggest all the claim features. Here, claims 34-35 depend from amended independent claim 33, and in view of the incorrect characterization of Jones, Jones and Baker as combined do not disclose all the features of the claimed invention. Accordingly, the applicant asks the examiner to withdraw the obviousness rejections of dependent claims 34-35.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, applicant may not have addressed every assertion made in the office action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are

relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on official notice, and reserves all rights to request that the examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The examiner is invited to telephone applicant's attorney at 408-278-4047 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to deposit account No. 19-0743.

Respectfully submitted,

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Date 11/26/2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26 day of November 2007.

Dawn R. Shaw

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Name

Signature